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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**-oOo-**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

REUBEN DELGADILLO,

Defendant.

2:16-mj-00575-NJK

Stipulation to Continue the  
Preliminary Hearing (*Third  
Request*)

IT IS HEREBY STIPULATED AND AGREED, by and between DANIEL G. BOGDEN, United States Attorney, and CRISTINA D. SILVA, Assistant United States Attorney, counsel for the United States of America, and JOSHUA TOMSHECK, Counsel for the Defendant, REUBEN DELGADILLO, that the preliminary hearing date in the above-captioned matter, currently scheduled for October 25, 2016, at 4:00 pm, be vacated and continued for forty-five (45) days, to a date and time to be set by this Honorable Court.

This stipulation is entered into for the following reasons:

1. The United States presented the defendant with a written plea offer. Defendant's counsel has been in a first-degree murder case in the State of Nevada, and

1 as a result, has not had enough time to meet with his client to discuss the outstanding  
2 plea offer. Additional time is needed for the defendant to discuss and consider the plea  
3 agreement with his attorney.

4 2. The parties agree to the continuance.

5 3. The defendant is not incarcerated and does not object to the continuance.

6 4. Additionally, denial of this request for continuance could result in a  
7 miscarriage of justice.

8 5. The additional time requested herein is not sought for purposes of delay,  
9 but to allow for the change of plea hearing to take place and the case to be resolved.

10 6. The additional time requested by this stipulation, is allowed, with the  
11 defendant's consent under the Federal Rules of Procedure 5.1(d).

12 7. This is the third request for a continuation of the preliminary hearing.

13  
14 DATED this 24th day of October, 2016.

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16  
17 Respectfully submitted,  
DANIEL G. BOGDEN  
United States Attorney

18  
19 //s/  
JOSHUA TOMSHECK, ESQ.  
20 Counsel for Defendant -  
21 DELGADILLO

22 //s/  
CRISTINA D. SILVA  
23 Assistant United States Attorney  
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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**-oOo-**

UNITED STATES OF AMERICA,

2:16-mj-00575-NJK

Plaintiff,

**ORDER**

vs.

REUBEN DELGADILLO,

Defendant.

**ORDER**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The United States recently presented the defendant with a written plea offer. Additional time is needed for the defendant to discuss and consider the plea agreement with his attorney.

2. The parties agree to the continuance.

3. The defendant is not incarcerated and does not object to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested herein is not sought for purposes of delay, but to allow for the change of plea hearing to take place and the case to be resolved.

6. The additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).

For all of the above-stated reasons, the ends of justice would best be served by a continuance of the preliminary hearing date.

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the defendant additional time to consider the plea agreement, and deny the parties herein to potentially resolve the case prior to indictment, and further would deny the parties sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for a preliminary hearing if one were to take place, taking into account the exercise of due diligence.

## ORDER

DATED 25 day of October, 2016.

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